## SENATE DEMOCRATIC CAUCUS

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## SENATE DEMOCRATS FIGHT TO PROTECT MICHIGAN EMPLOYEES

## Jacobs: New initiatives will safeguard rights, lessen worker anxiety

LANSING— In an effort to help Michigan workers keep their jobs, Senate Democrats in a series of press conferences throughout the state today unveiled legislation that would protect workers' privacy and not allow them to lose their job as a result of legal activities they participate in while off-duty.

"Currently, there is a growing trend to judge employees on their lifestyle behaviors rather than their work product," said Sen. Gilda Z. Jacobs (D-Huntington Woods). "Most Americans agree that it is usually inappropriate to threaten or fire an employee for activities they participate in outside of work that are completely legal. This legislation will help protect Michigan employees from indiscriminate dismissals, while still recognizing that job providers sometimes have to fire employees who recklessly engage in inappropriate and offensive behavior outside the workplace."

The Senate Democratic legislation would make it illegal for an employer to hire, fire, discipline, promote, or take other employment action against an employee for his or her actions while they are not at work. Specifically, the package includes the following provisions:

- Bans employment decisions based upon credit history and, in most cases, bans employer inquiries.
- Bans decisions based upon smoking, drinking, or eating habits.
- Bans decisions based upon family status of worker
- Bans decisions based upon off-duty political activities.
- Bans decisions based upon an employee's membership in a lawful organization.
- Bans decision based upon health of family members.
- Bans decisions based upon physical characteristics, level of fitness, or body type.
- Band decisions based upon firearm ownership. (SB 1025)
- Bans all employment decisions based upon off-duty conduct. (SB 381)

"Michigan is currently in the minority as thirty states and the District of Columbia have already passed similar legislation to protect employees' privacy," said Jeremy Gruber, legal director of the National Workrights Institute. "It's not only the right thing to do; it's also the economically smart thing to do because employers will retain employees who do their job well, instead of only keeping employees who fit some arbitrary guidelines."

Discrimination based on employees' off-duty activities is wide-spread. There are numerous examples in Michigan and around the country of workers who have been fired or discriminated against by employers because of factors that are legal and have no bearing on their ability to do their job. Last year, the case of four women in Okemos who were fired for refusing to take a smoking test that could indicate if they smoked or not garnered national attention. In September of 2004, a woman was fired from her job at a housing insulation company for displaying a political bumper sticker on her car, and a man who worked as a Budweiser distributor says he was fired for drinking a Coors beer at a bar after work.

"This kind of thing goes on more than anyone in Michigan could imagine," said Michael Pitt, an attorney from Royal Oak who is an expert on employment law. "My office alone receives dozens of complaints per week and it highlights the anxiety that workers in Michigan are feeling."

The National Workrights Institute is a non-profit organization that aims to improve the legal protection of human rights in the workplace. For more information and additional examples of this problem, visit www.workrights.org.

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State Senator Gilda Jacobs represents the 14<sup>th</sup> Senate District, which includes Farmington, Farmington Hills, Ferndale, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, and Southfield. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees